# and muscellaneous ads

OFFICIAL ANNOUNCEMENTS

W. GIBBONS solicits your vote for representative, 28th district, Republicant cket, primary August 2. WILLIAM W. HARRIS, candidate register of deeds. Republican ticket,

D. HUMPHREYS, Republican candidate for county attorney. W. T. PURDUM, Republican for county assessor.

FOR COUNTY TREASURER, Republican Candidate, MATT WEIGHTMAN, JR.

8. H. HAYNES, Republican cadidate for

F. WINNER, Republican candidate for County Commissioner First district bject to primaries, August 2, 1910. OSCAR K SWAYZE, Republican, is a candidate for COUNTY CLERK, sub-ject to primaries, August 2.

IRA W. BURDICK, Republican candidate for register of deeds Shawnee county, subject to primaries August 2. W. E. SCHLICHTER, Democratic candidate for sheriff, subject to primaries, August 2, 1710.

R. B. McMASTERS, Republican candidat, for county commissioner. First district subject to primaries, August 2, 1910.

FOR REGISTER OF DEEDS.
Republican candidate.
CARY JOHNSON. HENRY W. EULER, Republican candidate Rep. 87th dist. primary, Aug. 3, 1910. JOHN M. WRIGHT, deputy county treas-urer, Republican candidate for county freasurer at the primaries, Aug. 2, 1910. FRANK L. COOPER. Republican candi-date for register of deeds. Shawned county, subject to primaries August 2.

JUDGE E. R. SIMON, judge of the Court of Topeka, is a Republican candidate for County Attorney, subject to the county primary, August 2, 1910. I am a candidate for sheriff subject to the Republican primary August 2, 1919. ROME COLVIN.

I am a candidate for sheriff, subject to the Republican primary August 2, 1910. J. B. BETTS. FRANK G. DRENNING, former city attorney, is a candidate for county attorney, at the Republican primarics Aug. 2, 1916.

I am a candidate for sheriff subject the Republican primary August 2, 1910. IRA M. ORNER

JONATHAN D. NORTON, sheriff Shawnee county, is a candidate for Republican nomination of sheriff at primaries August 2, 1910.

REAL ESTATE TRANSFERS.

REAL ESTATE TRANSFERS.

E. Gibson and others to R. W. Bluckburn, lots 13 to 23, inc., Rall-road st, and lots 124-26 and 28 Will-lard ave. Willard.

I. W. Dunlap and wife to A. Mc-Kee, s. 14 lots 15 — st., Quincy's add.

I. W. Coberly and wife to E. M. Faust, lots 18-19 and 20 — st., Coberly's add to Berryton.

W. Mitchell and wife to J. W. Rose, lot 2202 Lincoln st., Quinton & Stele's add.

J. A. Ranney and wife to M. E. Crawford, lots 73-5 and 7 Topeka ae, S. J. B. Sims to E. Sims, lots 199 to 119 inc., Pennsylvania ave., Highland Park sub.

C. R. Cole and wife to J. A. Roelofsz.

Park sub.

C. R. Cole and wife to J. A. Roelofsz, lots n Wentworth's add, and lots in Barber's add to Oakland.

Tax deeds to M. Cook, lots 14 and 16, I. W. B. st., Grant's add.

Mt. Hope Cemetery association to R. Robinette, lot 523, sec. S.

W. H. Smth and wife to J. Howerton, lots 129 and 21 Orange st., Rossyllie Franklin and wife to H. A.

WANTED-SITUATIONS WANTED-Situation as office boy.

MOTHERS you can have a practical nurs by calling Mrs. Kelley, Ind. phone 2934-R. 2

WANTED-MALE HELP.

WANTED-Men to learn barber trade. Few weeks required. Splendid trade for poor man. Be your own boss. Can start shop with small capital or work 512 to 529 weekly. Good demand for barbers. Further information free. Moler Barber College, Kansas City, Mo.

TOPEKA EMPLOYMENT OFFICE wants 5 farm hands, \$25 a mo., hay hands, man for farm work who can run automobiles, farm couples, laborers, machinists, man and wife cooks, waiters, men and women cooks, dining room girls, dishwashers, hotel help. R. J. Kearney, 522 Kansas ave.

HELP furnished on short notice. Topeka Employment Association, 600 Kansas ave., Room 3, Ind. 537.

WANTED-Canvassers, Richard Ryan, Glenwood hotel.

WANTED-A good practical barn man for dalry farm; must be good milker. Ind. 1807-R. J.

WANTED-60 farm hands, 100 harvest hands, laborers, bridge carpenters, hotel help, men cooks, house men, porters, waiters, fry cooks, 2nd cooks, sollcitors, lapital Employment Agency, 811 Kan. ave

WHY NOT establish profitable Mail-Or-der business during spare time, that will make you independent. Our free booklet explains how. Lee Advertising Co., In-dependence, Kansas.

1 MADE \$50,000 in five years with a small mail order business; began with \$5, Send for free booklet. Tells how. Heacock, \$190 Lockport, N. Y.

GOVERNMENT EMPLOYEES WANTED Write for Topeka examination schedule. Franklin Institute Dep't, 92 P., Rochester.

WANTED—100 women for railroad eating houses, \$20 to \$40 mo., board, room and transportation; 5 women cooks, 15 house girls, hotel maids, head dining room girl, colored women cook, kitchen help, etc. Capital Employment Agency, \$11 Kan. ave WANTED—At once, chambermaids, Apply National Hotel.

WANTED-Young lady for office, short hours, salary small. Address in own writing, giving age, etc. F. L., Journal. WANTED-Neat colored housekeeper at once. Address M. Box 25, Mayetta, Ks. WANTED-Dining room girl, Fifth Avenue hotel.

WANTED-Whits woman dishwasher, Dad's Place, 904 Kansas ave.

WANTED-3 good hand ironers. wages. White Star Laundry. WANTED-Help at the Gem Laundry North Topeka.

BUSINESS CHANCES. FOR SALE—Grocery store doing good business, first class location. Owner go-ing west. Will invoice about \$3,700, \$3,000 cash will take it. If you want a snep, this is it. Address "Grocery," care Journal

FOR SALE—One-half interest in one of the best paying Real Estate offices in Topeka. Address Business, care Journal. MERCHANTS' delivery and livery business, located in about the best 15.000 inhabitant town in Kansas. Fixed income of over \$1.000 per month. Permanent contracts with merchants for delivery of their goods. Fine opportunity. Owner will sell on invoice. Only reason for selling illness in family competing change.

GEO. M. NOBLE & CO.

114 E. 5th St. Topeka, Kansas.

A FINE opportunity to get into the print-ing business in Topeka. A good plant doing good business is for sale at a sacri-fice. C. H. X., Journal. WANTED-Purchaser; have an article from which one can make a small for-tune. 407 Monroe st.

WANTED-A partner in a good enterpris-ing business to invest from \$500 to \$1,000. Business well established. T. T. T., care

WANTED-MISCELLANEOUS. WANTED TO RENT-Modern 5 or 6 room house about July 1; prefer to lease by year; reliable party. Ind. phone 2783

WE PAY the highest cash price for cast off clothing, shoes, hats and overcoats. Drop us a card or call Gordon Bros.' loan office, 405 Kansas ave. Ind. 1079. MODERN furnished rooms, 118 West 6th nice and cool. Prices ressonable. Bell 651

615 Quincy. FIRST CLASS rooms, single or ensuite. Clarence Skinner. 155 phones. 604 W. 8TH st., partly furnished, one to 7 rooms to responsible parties; lower part

FOR RENT-2 furnished housekeeping rooms, \$2.75. 519 E. 3rd st.

FOR RENT-2 large furnished rooms modern; one with alcove. Illi Harrison Phone 2281 Blue. FOR RENT-Four nice large rooms at 1316 Quincy st., \$12. J. W. Tobias.

FOR RENT-Furnished rooms, modern 1200 Kansas ave. Ind. 2261 Blue. FOR RENT-3 housekeeping rooms of first floor, 1101 Clay st.

FURNISHED housekeeping rooms, modern, private bath. 100 East 10th st. FOR RENT-Modern furnished rooms close in, 215 East 7th st.

FOR RENT-2 suites unfurnished rooms one 5 and one 3 rooms. Call 2575 White 615 Harrison, large east front room with alcove, modern.

FURNISHED sleeping and light house keeping rooms at 120 Monroe st. Modern furnished rooms, 118 W. 6th st nice and cool. Prices casonable. Bell85 719 VAN BUREN. Two modern furnished light housekeeping rooms downstairs. FOR RENT-Furnished rooms for light housekeeping, modern, 1116 Harrison, Ind. 2883 White.

FOR RENT-Furnished parlor bed room, employed lady preferred. Sis Topeka ave. 604 W. 8TH, housekeeping rooms; also sleeping rooms. No children. Modern. FURNISHED sleeping and light house keeping rooms at 120 Monroe st.

FOR RENT-HOUSES

FOR RENT-1900 Central ave., 7 room well, cistern. Ind. 2279-Ring 1. FOR RENT-Complete modern 7 house, furnished, cheap to small family Ind. 1644. WINGETT LAND CO. FOR RENT-Apartment No. 6 in the Devon. Ind. 2745 Black.

FOR RENT-624 Fillmore, \$16, 4 room house, well, cistern. Call at premise in forenoon. Ind. phone 2650 Blue. FOR RENT-610 West 12th, 6 room house, part modern. Inquire brick house. MODERN cottage, 5 rooms and bath. In-quire 1333 Garfield. Ind, 2550 Blue.

FOR RENT.

3 room house, gas for heat and light, 1½ lots, newly papered, 2½ blocks of the Santa Fe shops, \$7.00.

R. D. BLAINE.

Ind. Phone 1418.

525 Kansas Ave. FOR RENT-1309 West 15th street, rooms, bath, gas or electric light; desir able location. Inquire at No. 1306.

FOR RENT-Seven room house, fine lo cation, good car service. 1231 Clay st.

FOR RENT-House with stable at 519
West street at the entrance of Potwin.
Nine rooms in the house, bath, gas.
Apply J. Thomas Lumber company, 213
West 6th st.

FOR RENT-MISCELLANEOUS. Desirable store room, ground floor, 722 and 24 Jackson st. Size 40x150 feet, with high celling and 5 foot wide balconies along both side walls. For terms of lease W. C. STEPHENSON & CO., 609 Kansas Ave.

FOR RENT-Storage room in our ware-houses. Call 320 for rates. We will lend a reasonable amount on good furni-ture in storage, if insured. TOPEKA TRANSFER & STORAGE CO. 406 East 6th St.

FOR RENT-2 story stone building in rear of 506 Jackson. Good for barn or storage house. N. E. Keller. Ind. 1266.

SALE-MISCELLANEOUS

OUR HOUSEHOLD FURNITURE

FOR SALE.

Iron beds, dressers, chiffoniers, buffets lice boxes and refrigerators, tables, chair of both kinds, water coolers, porch furniture, lawn swing, lawn seats, vegetable ice box, roller top desk, lawn mower that are guaranteed or money refunded rugs and mattings, etc.

Prices right. Come and see them.

BOWER & SON.

FOR SALE-Furniture of the best located rooming house in city, 36 rooms. Ad-dress Closing Out, Journal ONE large fireproof safe for papers (no cash drawer); very cheap. Phones 185 Skinner & Gayhart.

500 envelopes, \$1.25; 500 letter heads, \$1.50 See them; first class printing at propor tionate rates. Trapp, 113 East 8th. FO RSALE-Splendid Swiss Jersey cow excellent milker. 1411 Fillmore st. FOR SALE-3 Jersey cows, one calf by side. 229 Winfield, Oakland. FOR SALE-REAL ESTATE.

FOR SALE-REAL ESTATE.

# START

## A SAVINGS ACCOUNT NOW

#### \$10 CASH AND \$5.00 PER LOT PER MONTH

WILL YIELD A LARGER RETURN THAN ANY OTHER INVESTMENT.

LOW TAXES, FINE SHADE, AND HIGH SIGHTLY LOCATION.

30 LOTS SOLD SINCE YOU HEARD FROM US LAST.

\$10 CASH AND \$5.00 PER MONTH PER LOT. THIS OPPORTUNITY WILL SOON BE GONE, SO DON'T DELAY SEEING

WE WILL CALL FOR YOU ANY TIME AND TAKE YOU OUT AND

### GEO. M. NOBLE & CO.

114 E. STH STREET GEO. M. NOBLE.

TOPEKA, KANSAS EITHER PHONE 444. J. WILL KELLEY.

FINE HIGH AND DRY LOTS IN LAKEWOOD PARK AD-DITION-ONLY

DON'T PAY RENT: START A HOME.
Come in and let's talk it over. I can
show you how to save money every day.
W. J. RICKENBACHER, Owner.
Phone 163.
I will be in my office on Saturday nights
from 7 to 9 d'clock.

Buys new 5 room cottage, partly modern, 2 nice lots, shade, fruit, etc.; terms; West side location. PARTNERSHIP REAL ESTATE CO. 501 Jackson St. Phone 928.

FOR SALE—New 4 room cottage, cement ed cellar and walks. Payments. Set this. 1522 W. 16th st. TWO modern homes, 7 and 8 rooms, barns and cistern, one close in, other on car line. Sell at a bargain as owner is leaving city. Ind. 2316 Black.

FOR SALE \$500 and \$300 mortgage, on western land, 7 per cent interest; will discount. Address Mortgage, care Journal. SACRIFICING mother-in-law's stuff; good home, 3fine lots, only \$9.50 cash, \$12.50 month. Ind. 2478—1.

FOR SALE—Improved lot, fine location, size 25 by 150 feet, 4 blocks south of Journal. Terms. Inquire 1309 Kan. ave. Nearly new 5 room cottage, hall, bath room, high ground, 2 lots, near Westlawn, owner leaving city, \$2,000; terms. Garling-house Realty Co., 608 Kansas ave.

FOR SALE-MISCELLA. EOUS. FOR SALE—Top buggy as good as new 1120 Polk st.

FOR SALE-Household goods, 1021 Tyler Ind. 2769 Blue.

FOR SALE-Good driving team, broken, Call Ind. phone 2952 Blue. FOR SALE-Piano at 413 Kansas ave. electric. Padgett's Tire 4 passenger, electr House, 118 E. 7th st.

ORANGE cane seed. Guaranteed to grow Bell telephone 3733—Ring 5. FOR SALE-3-year-old driving horse, city broke. 120 Buchanan. FOR SALE-One fresh cow and stee

FOR SALE—Job printing plant which wil invoice about \$5.000; wil be sold at a low figure. Doing good business. Or wil trade for country newspaper. H. C. X.

FOR SALE-Dad's lunch room and sof drink counter. 304 Kansas ave. FOR SALE—At once, 6-year-old horse and new runabout. Will sell separate. Call Ind. 2255 Black.

FOR SALE-25 horse power Otto gas engine, practically new, \$650 delivered in Topeka or f.o.b. cars. Bell 1001.

FIVE MILLION cabbage, tomato, sweet potato and celery plants. 1547 Logan st. John McNown. Ind. phone 1779. FOR SALE—An extra lot of furniture in rooms, 816 Kansas ave.

WANTED-Competent cook at once. 125 Topeka ave. FOR SALE—Cheap, over 1200 lb. horse, perfectly gentle, fine for country use. Inquire 723 Clay st.

FOR SALE-Baby chicks, Ind. phone

3 HORSES, wt. 1100 to 1200; also stylis driving mare. 128 Topeka ave. FOR SALE—At 616 West 6th st., full size walnut bedstead, mattress, springs, books and dishes. FOR SALE-Rhode Island Red baby chicks. Ind. 2202-Ring X.

FOR SALE—Upright plane in good condi-tion at bargain; terms to responsible parties. R. D. Blaine, 525 Kansas ave. Room 3. Ind. phone 1418. Bell phone 1182 FINEST combination saddle horse I city; also boy's pony, saddles, buggie and harness, 511 Lane. FOR SALE—Safe 20x22 inside measure Either phone 200. Otto Keuhne Preserving Co.

FOR SALE—1 Victor talking machine and cabinet with 3 records; will sell chesp. Call 209 Polk st.

LOST AND FOUND. LOST-Ladies' gold watch, Hampden, 15 jewel; locket chain attached, Return R. I. ticket office. Receive reward. LOST Lady's jacket, brown, left on circus seat. Return 1630 Quincy. Reward LOST-Gold watch fob and charm, initia E. A. R., between 18th and Quincy and Santa Fe shops. Ind. 1901 White, Reward LOST-From Shelden's feed wagon, nea 4th and K. A., a leatherette suit case 632 Quincy. Reward. Ind. 2882 White. LOST-Oval gold forget-me-not brooch, turquoise setting, week ago Sunday, per-haps in Central Park. Valued as keep-sake. Finder please call 2884 White, Ind.

AVIATION SPECIALS BANK STATEMENTS. For sale-5 room cottage, 11/2 lots, on

car line, payed st., \$1.750. Go see 1316 Polk, 8 room modern, good barn, fine shade, 1% lots, and make decent offer. 5 room, 1 lot, Branner, near 3rd, renting -of thefor \$12. \$1,300. New 5 room cottage, 2 lots, 2000 block,

Nice new 6 room modern cottage, Bu chanan, near 10th. \$2,750.

POLK ST. HOME New 6 room house, modern except fur nace, large cemented basement with laun-

dry, 2 lots. Can't be beat for \$3,100. \$100 to \$500 down buys one of our ne cottages or houses. Balance like rent New house in Elmhurst for \$400 down.

WINGE'TT LAND CO.

W. C. SUMMERS. 169 W. 6th St. Ind. Phone 164

notice the terms On this property on Tyler, \$500 cash and \$30 per month. CHOICE 8 room residence, new pollshed oak floors, furnace, combination light, 2 east front lots, barn, city water throughout; make choice home. \$4.200. Two good south front lots on West 17th street, city water, sewer, sidewalk, gas, handy to car. Only \$600, \$100 cash, balance

SHAWNEE AGENCY 534 KANSAS AVE.

IT'S COOL OUT THERE Spend your summer vacation in beautiful Estes Park, Colorado, in select company. A few acre tracts in Sinclair Park still open for the Topeka contingent. Call on the Heath company, 109 West 7th st., and see ylews and diagrams of a model

\$300 TO \$600 DOWN Dandy 7 room modern home just bei completed. Located on 2 beautiful lots Elmhurst. If sold this week price \$3,300

THE STRAUSS AGEMCY 107 E. 7th St. Ind. 824.

FOR SALE, RENT OR TRADE-Stor building and hall, 3 lots, at Wakaruss Kan. Nell and Robinson. FOR SALE-1015 Lawrence st. 6 room house, 2 lots. Your price is mine; quick sale. Bell phone 2273.

FARM LOANS.

We offer conservative investors carefully selected first mortgage loans on improved Oklahoma farms that net attractive returns. Write for particulars.

HUMPHREY & HUMPHREY, Independence, Kansas.

FOR QUICK SALE.
Will sacrifice 6 room modern ho
lose in. Call Ind. 2563 Red. Owner. FOR SALE, TRADE OR RENT-M. home, 106 Exeter st., Auburndale, room house, 3 lots.

FOR SALE—Cheap, lots 252-3 Melross addition. E. E. Crouch, Oakland, Kan Ind. phone 2861-3 rings. NEW COTTAGE SNAP!

5 rooms, 2 lots, shade, fruit, etc., fine lo-cation. This dandy home for \$1.750; terms, PARTNERSHIP REAL ESTATE CO. 501 Jackson St. Phone 928. WILL SELL 6 lots, corner Mulvane and Huntoon, and 5 on Lincoln, east front just west of Central Park. Just 'he places to build. Price and terms right Also 5 acres in Oakland, \$100 cash, balance

BIIGHLAND PARK If you are thinking of buying a home or lots in Highland Park or vicinity or if you have anything to sell in Highland Park,

r. J. BROWN, 17 Columbian Bldg.

We also have a large list of small tracts, farm and city property.

J. N. EDGAR 718 Kansas Ave.

MACHINE SHOPS. Lawn mowers sharpened, repaired. The R B. Howard Supply Co., 710 K. A. Tel. 500

CAPITAL CITY VITRIFIED BRICK & PAVING CO., 214 E. 6th at. Migs. of building paving and sidewalk brick.

PATENTS.

ATTORNEYS AT LAW HIRAM C. ROOT, atty, at law, 519 Ks. Av.

[Published in The Topeka State Journal June 14, 1910.] OFFICIAL STATEMENT OF THE FI-SHAWNEE STATE BANK New 5 room cottage, 2 tota, 200 to at Topeka, State of Kansas, at the close of business on the 11th day of June

Loans and discounts
Loans on real estate
Overdrafts
Funiture and fixtures
Expense account
Interest paid
Bonds and warrants
Guaranty fund with state treasurer, bonds
Cash items and clearing house items Cash and sight exchange, legal re-. 188,332.80 

[Published in The Topeka State Journal June 14, 1910.]

OFFICIAL STATEMENT OF THE FI--of the-TOPEKA STATE BANK

Topeka, State of Kansas, at the clos of business on the 11th day of June, 1910.
RESOURCES.
Loans and bonds. \$260,101.18 Bank and fixtures.... Cash and sight exchange... Total .... LIABILITIES. .\$374,447.38 LIABILITIES.

Capital stock paid in

Surplus fund.

Undivided profits.

Individual deposits. \$252,094.98

Cettificates of deposit. 12.601.85

Bank deposits. 43.399.94

Cashier's checks. 5,358.72—

State of Kansas, County of Shawnee, ss.

I. Geo. W. Snyder, cashier of said bank, do solemnly swear that the above statement is true; that said bank has no liabilities, and is not indorser on any note or obligation, other than shown on the above statement, to the best of my knowledge and belief. So help me God.

GEO. W. SNYDER,

Cashier.

-\$313,455,49

Subscribed and sworn to before me, this lith day of June, 1910.

[Seal.]

(Commission exples on the 5th day of May, 1914.)

Correct—Attest:

To J. N. Dolley, Bank Commissioner, To peka, Kan.

BETZER REALTY AND LOAN CO.
Make farm and city loans in any amount
from \$500 up, at lowest rates and on the
most favorable terms. Office ground floor,
Columbian Bidg.

MONEY to loan on live stock, planes, or gans, typewriters, household goods and personal security. L. Biscoc, 522 Kan. ava MONEY TO LOAN on personal property and collateral security, on easy terms G. H. Flintham, 908 E. 4th st. MONEY to lean on live stock, planes, per-sonal security, household goods, typewrit-ers. W. E. Seguine, 413 K. A. Both phones MONEY TO LOAN on city and farm property. Most liberal terms of pay-ment and low rate of interest. W. M. Forbes & Co., 107 W. 7th st.

POOL AND BILLIARD TABLES. FOR SALE—New and second-hand bil-liard and pool tables at a bowling alleys. We lead the world in cheap bar fix-tures; easy payments. Send for catalogue. Brunswick-Balke-Collender Co., 133-2 Main street, Kansas City, Mo.

PERSONAL.

DRINK HABIT CURED in three days.
Practical, safe, sure, perfect. Free book.
No hypodermica. Bank guarantee contract. Neal Institute, 1300 W, 10th st., Topeka. Kan.

PICTURE FRAMING FRAMING, regilding, mat making, mount-ing done by J. D. Sullivan, 127 W. Eight

[Published in The Topeka State Journal June 14, 1910.]

#### SUPREME COURT SYLLABI.

S. F. Walters, Appellee, The Missouri Pacific Railway Company,

The Missouri Pacific Railway Company,
Appeal from Marshall County.

Appeal from Marshall County.

AFFIRMED,

1. It is the duty of a railway company to use the highest degree of care which is reasonably practical in transporting passengers and in setting them down at their destination and the failure to stop a train at the destination of a passenger and afford him an opportunity to alight with safety is culpable negligence.

2. Where the railway company fails to stop its train at the destination of a passenger and as it is passing the station the conductor of the train advises and directs the passenger to alight from the train while it is moving at a speed of from three to four miles an hour the question whether the passenger who acts on the direction of the conductor and is injured is guilty of contributory negligence is one for the determination of the jury.

3. The special findings of the jury ex-

ence is one for the determination of the jury.

3. The special findings of the jury examined and found not to be without support in the evidence nor contrary to the instructions of the court and are not inconsistent with the general verdict.

All the Justices concurring.

A true copy.

Attest:

D. A. VALENTINE.

Clerk Supreme Court

No. 16,429

W. S. Gregory, Appellant,
Vs.

Kennedy Brothers, Appellees.
Appeal from Pawnee County.

REVERSED.

Syllabus. By the Court. Porter, J.
A land owner listed his land for sale with the plaintiff and also with the defendants. The plaintiff procured a purchaser and induced him to go and see the land and to purchase. The defendants interfered and took the purchaser to the owner who asked them if the customer was not the customer of the plaintiff. They said he was not, and, by misrepresentations to the owner and purchaser, prevented the plaintiff from closing the sale and consummated it themselves. Upon these facts it is held, in an action between the agents to recover the commission, that the plaintiff was the primary, proximate and procuring cause of the sale and entitled to the commission. All the justices concurring.

A true copy.

Attest:
D. A. VALENTINE,
[Seal.]

Clerk Supreme Court.

No. 16,442

Tobe Fleeman, Appellee, 30).54.48
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3,737.13 made.
All the Justices concurring.
All the copy.
Attest:
[Seal.] Clerk Supr D. A. VALENTINE. Clerk Supreme Court

No. 16,577.

Daniel Mosier, Appellant,

The Board of County Commissioners of the County of Butler, Appellee.

Appeal from Butler County.

REVERSED.

Syllabus. By the Court. Porter, J. Plaintiff brought an action against a county to recover for injuries occasioned by a defective bridge. Held that the evidence showing knowledge of the chairman of the board of county commissioners of the defective condition of the bridge was sufficient as against a demurrer.

All the Justices concurring.

A true copy.

Attest:

[Seal]

Clerk Supreme Court.

The Kansas City-Western Railway Company, Appellant.

Appeal from Leavenworth County.

AFFIRMED.

Syllabus. By the Court. Mason, J. In ah action for personal injuries received by one of the crew of an electric car which had been derailed, while he was picking up the tools that had been used in replacing it, by being struck by another car, held that the evidence justified a receivery on the theory that the plainting was injured while engaged in work requiring his presence upon the track under such circumstances that he was not under an absolute duty to keep an outlook, and that the motorman of the approaching car in view of what he saw could have anticipated that some one might be in a place of danger, and ought to have stopped or sounded a warning.

At the justices poncurring.

A true copy.

Attest: D. A. VALENTINE, [Seal.] Cierk Supreme Court.

[Seal] Clerk Supreme Court.

No. 16.569.

W. F. Shale, as Trustee of the Estate of Roy Summerfelt, a bankrupt, Appellee, vs.

The Farmers Bank of Morrill, a corporation, and U. M Saylor, Appellants, Appeal from Brown County.

AFFIRMED,

Svilabus. By the Court. Porter, J. In an action by the trustee of a bankrupt to recover a payment as a preference, where it appeared by the undisputed facts that the creditor had reasonable cause to believe that the debtor was insolvent and intended a preference, held not error to direct a verdict in favor of the plaintiff. All the Justices concurring.

A true copy.

Attest: D. A. VALENTINE, Clerk Supreme Court.

No. 16,891. The State of Kansas, Appellee, The State of Kansas, Appellee,

Vs.

Ora Turner, Appellant.

Appeal from Rice County.

AFFIRMED.

Syllabus. By the court. Mason, J.

At a trial on the charge of murder, neither the rule excluding proof of an involuntary confession, nor that relating to a self-incrimination forbids evidence that the defendant produced from a hiding place a revolver similar to that with which the homicide was known to have been committeed, although such produc-

tion was brought about by infimidation.
All the Justices concurring.
A true copy.
Attest:
[Seal.]

Clerk Supreme Court.

Clerk Supreme Court.

No. 15,715.

Clara Bowlus et al., Appellants,

The City of Iola et al., Appellee.
Appeal from Ailen County.

AFFIRMED.

Syllabus. By the Court. Burch, J.

1. In this case it is held that a tract of platted ground surrounded by streets and forming a portion of a city constitutes a block within the meaning of section 1274, General Statutes of 1909, relating to the method of assessing the cost of street improvements, although the donor of the plat divided the tract into two portions by an alley and designated each portion a block.

2. The fact that in previous similar cases the city acted upon a misinterpretation of the statute in assessing street improvement does not estop it from now proceeding according to law.

Al true copy.
Attest; [Seal.] Clerk Supreme Court.

Clerk Supreme Court.

No. 16.504

Kate Caspar, Appellee,

William Lewin et al., Appellants,
Appeal from Wyandotte County.

AFPIRMED.

Syllabus. By the Court. Burch, J.

1. Under section 7 of the factory act (ch. 356, Laws 1903) besides certain named establishments, any other establishment is a manufacturing establishment wherein any natural products or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

2. An establishment wherein railroad iron, old stoves, old waste iron and scrap iron of every description is cut into lengths known as grade No. 1, grade No. 2 and busheling scrap, by means of machines known as alligator shears and operated by power, to meet standing specifications of mills which purchase the product, is a manufacturing establishment within the meaning of the factory act.

3. None of the sections of the factory

product, is a manufacturing establishment within the meaning of the factory act.

3. None of the sections of the factory act is a transcript from the law of any other state and consequently had not been given a settled and definite meaning by the highest court of any other state when the statute was enacted.

4. Section 4 of the factory act relating to sateguards for machinery and appliances is not limited in its application to workmen engaged in their ordinary duties only. It is designed to protect persons employed or laboring in manufacturing establishments while in the performance of any duty, whether ordinary and general or exceptional and occasional.

5. The factory act ignores the common law duty resting on the factory owner or operator to exercise reasonable care to prevent foresecable injuries and establishes a statutory measure of prudence by making specific precautionary requirements relating to specified places, structures and appliances; and in an action founded on the act for damages consequent upon injuries to an employee acting in the scope of his duty, caused by the absence of a prescribe safeguard, it is no defense that the injury could not, with reasonable prudence, have been anticipated.

6. The protection of the factory act extends only to persons acting within the scope of some employment or labor. But the factory owner can not evade the requirements of the act, as that belt shifters shall be provided, by means of rules or instructions relating to the use of appliances, as that belts shall be shifted only while machinery is not in motion.

7. The civil action for damages authorized by the factory act is not a common law action but is a statutory remedy for the enforcement of a positive duty enjoined by law in the interest of the public welfare, and the contributory negligence of the injured employee or labore is not a defense to such an action.

The first paragraph of the syllabus of Madison vs. Clippinger, 74 Kan. 700, is

All the Justices concurring.

All the Justices concurring.

A true copy.

Attest:

D. A. VALENTINE,

[Seal]

No. 16.582.

F. C. Puckett, Appellee,

No. 16.582.

Edward Forsythe et al., Appellants.

Appeal from Kearney County.

Syllabus. By the Court. Burch, J.

A default judgment quieting title based upon service made by publishing a notice which states the defendant's name as Joseph Remer is valid against Joseph Renner.

All the Justices concurring.

A true copy.

A true copy.

A true copy.

A true copy.

The Kansas City-Western Railway Company, Appellant.

A true copy.

A true copy

D. A. VALENTINE, Clerk Supreme Court No. 16,580.

Syllabus. Discretely service of the crew of an electric car which had been derailed, while he was picking up the tools that had been used in replacing it, by being struck by another car, held that the evidence justified a repair was injured while engaged in work requiring his presence upon the track under such circumstances that he was not under an absolute duty to keep an outlook, and that the motorman of the approaching car in view of what he was made in a place of danger, and ought to have stopped or sounded a warning.

All the justices concurrings.

A true cody. D. A. VALENTINE, Altest:

[Seal.] Clerk Supreme Court.

Syllabus. Reversible, Mason, J.

1. A writing that describes itself as a contract between two parties, each of whom agrees to sell a tract of land at a stated price, and that includes a computation showing the amount of a mortgage on each tract and the contract of shade in the contract of the six of the care of the state of independent of the creament for the exchange of the tracts on the basis stated.

2. The statute of frauds renders demurable a petition declaring upon a contract for the sale of land, evidenced by an averent on the proposed buyer a tract of the six perime Court.

All the Justices concurring.

W. F. Shale, as Trustee of the Estate of Roy Summerfelt, a bankrupt, Appellee, the copy.

A true copy.

A treet:

Clerk Supreme Court.

All the Justices of the Estate of Roy Summerfelt, a bankrupt, Appellee, the court of the superintendent to supervise the building of the court of the country of the superintendent to supervise the building of the superintendent to supervise the building of the superintendent because of the superintendent to supervise the building of the superintendent to supervise the building of the superintendent to supervise the building of the court and the country owned by the party undertaking to sell it; the pleading is not alided by an average of the tracts on the basis stated.

A true copy.

W. F. Shale, as Trustee of the Estate of Roy Summerfelt, a bankrupt, Ap

ask for mere evidentiary matters nor that the jury shall file a bill of partic-ulars as to each fact. All the Justices concurring.

A true copy. Attest: [Seal.] No. 16.802. The Board of Education of the City of Iola., Appellant,

Iola., Appellant,

VE.

C. A. Fronk, C. M. Reynolds, Maude E.
Funston et al., Appellees.
Appeal from Allen County.
REVERSED.

Syllabus. By the Court. Graves, J.
1. The statute known as the Barnes Law is not unconstitutional upon the ground that it violate section is of article 2 of the constitution.

2. Where the county superintendent certifies to the board of county commissioners the amount necessary for the maintenance of the high schools in such by chapter 33 of the Laws of 1907, it is the duty of that body to make such levy as will produce the amount named not